



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003577
Applicant Name: Catherine Follett
Address of Proposal: 7003 38th Avenue NE



SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are:
A) 4,181 sq. ft. and B) 4,181 sq. ft. Existing structure to be removed.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site Description

The subject site is a rectangular shaped lot with a lot area of 8,362 square feet. The site is relatively flat and zoned Single-Family 5000 (SF 5000). An existing home is located towards the middle of the site and will be removed upon establishment of a new single-family use. A large Western redcedar and Bigleaf Maple are located towards the southerly property line and smaller

deciduous trees are located towards the northwesterly portion of the site. The site is a corner lot with street frontage off of 38th Avenue NE abutting to the east and NE 70th Street abutting to the south. Both streets along the site frontage are improved with sidewalks, curbs and gutters.

Surrounding Area Description

The surrounding areas are zoned SF 5000 and primarily developed with a variety of single-family structures.

Public Comments

The application was deemed to be complete on November 14, 2005 and notice of application was sent on December 1, 2005. An extension to the 14-day comment period was requested and the extended comment period ended on December 28, 2005. Several public comments were submitted and the issues were the following:

- A general concern about the density of the neighborhood increasing.
- The architectural compatibility of the proposed homes with the existing neighborhood.
- The trees along NE 70th Street are part of the character of the neighborhood and should be retained.

Copies of the public comments can be found in the MUP file. In response to the comments concerning the development of the sites, future development would be subject to Land Use Code regulations including lot area, lot coverage, building height, setbacks and off-street parking. As part of the City's analysis, we also solicit responses from several City Departments to ensure that adequate provisions can be in place for fire safety, water and electrical service, sewage and drainage. If DPD determines that the short subdivision criteria are met, the new lots may be created and there is little or no discretion to deny a development proposal such as this if the code requirements are met.

In response to the public comments concerning the trees on the subject site, the applicant submitted an arborist report dated March 31, 2006 to analyze the Bigleaf Maple and the Western redcedar. The arborist report can be found in the MUP file. The arborist determined the Bigleaf Maple has internal decay, die-back in the canopy and most likely root decay. The arborist concluded the tree is in poor condition and the condition of the tree would likely decline rapidly even if the most rigorous preservation measures were undertaken. In its current condition the tree represents a significant hazard and the level of hazard can only be expected to increase. The tree should not be considered for retention and should be removed prior to construction.

The arborist determined the Western redcedar shows good health and appears free from significant defect. These factors and the fact that the tree is relatively young make long term retention possible. Successful retention depends on limiting damage to the tree during the construction phase. The arborist recommends minimizing impacts to the Western redcedar through the construction process by identifying and restricting activities within three impact zones (Impact zone A, B and D) around the perimeter of the tree. The restricted activities within the impact zones around the Western redcedar will be conditions of approval for the short plat.

City Departments and Government Agencies Comments

Information and documentation from each review agency is available in the DPD project file.

A. *Fire Department*

The Fire Department has approved the proposed subdivision with no conditions.

B. *Seattle City Light (SCL)*

SCL does not require an easement for this 2-lot short plat at this time.

C. *Seattle Public Utilities Department (SPU)*

SPU issued Water Availability Certificate (WAC) #20051803 on November 22, 2005 approving this project with requirements.

D. *Structural / Ordinance Review*

The Structure/Ordinance Reviewer has approved the proposed subdivision with no conditions.

E. *Sewer and Drainage Review*

The Sewer/Drainage Reviewer has approved the proposed subdivision with no conditions.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Analysis

Based on information provided by the applicant, referral comments as appropriate from DPD, Fire Departments (SFD), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. Seattle City Light has reviewed

the proposal and will not require an easement at this time to provide for electrical facilities and service to the proposed parcels. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. The proposed parcels meet the lot area requirement by utilizing the provision found in SMC 23.44.010B.1.b which allows the creation of lots through short subdivision when the lots are at least seventy-five percent of the minimum required lot area and is at least eighty percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in a mapped environmentally critical area nor were any environmentally critical areas observed on site; therefore SMC 25.09.240 is not applicable. Based upon the arborist report dated March 31, 2006, it was determined the Bigleaf Maple has internal decay and in its current condition, the tree represents a significant hazard and should be removed. The Western redcedar shows good health and appears free from significant defects. Successful retention depends on limiting damage to the tree during the construction phase. The short plat will be conditioned to minimize impacts to the Western redcedar through the construction process. Based upon the previous analysis, no trees are being unnecessarily removed as a result of this short subdivision, thus the short plat has been designed to maximize the retention of tree. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Comply with all applicable standard recording requirements and instructions.

Revise Short Plat to show the following:

2. On the front sheet where it states, "SHORT SUBDIVISION NO.", add the following permit number, "3003577".
3. On the front sheet, change "DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE" to "DEPARTMENT OF PLANNING AND DEVELOPMENT".
4. On the front sheet, change "R.F. KROCHALIS, DIRECTOR" to "DIANE M. SUGIMURA, DIRECTOR".

5. Show construction impact zones "A", "B" and "C" around the Western redcedar that will be sufficient to ensure the health of the tree during future construction.

(Insert Ink the following condition of approval on the face of the plat:

Ink the following to the first sheet of the short plat "**CONDITION(S) OF APPROVAL**", or on a separate page if needed. If the conditions are on a separate page, insert on the first sheet of the short plat the following, "For conditions of approval after recording, see Page ____ of ____." (If necessary, renumber the pages).

6. The Western redcedar located approximately 43 feet to the east from the southwest corner of Proposed Parcel "A" shall be protected and preserved during any future ground disturbance activity. Any construction activity taking place on Proposed Parcel "A" or "B" within impact zones "A", "B" or "C" shall abide by the following restrictions placed upon each impact zone encircling the tree:
page 7 from the arborist report dated March 31, 2006 from Robert W. Williams)

Prior to Issuance of any Building Permit

7. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.
8. The owner(s) and/or responsible party(s) shall attach a copy of the arborist report from Robert W. Williams dated March 31, 2006 (tree protection/preservation plan) to all permit application plans for any application for a permit to construct or demolish.
9. Impact zones "A", "B" and "C" shall be shown around the Western redcedar on the site plan and an adequate explanation of each impact zone for any application for a permit to construct or demolish.
10. Per the arborist report from Robert Williams, remove the three main trunks of the Bigleaf Maple located approximately 30 feet to the west from the southeast corner of Proposed Parcel "B".

Non-Appealable Zoning Requirement

Prior to recording, the owner(s) and/or responsible party(s) shall meet all zoning requirements as determined by the zoning reviewer, and revise legals as requested by DPD's addressing reviewer.

Signature: _____ (signature on file) Date: April 24, 2006
Mark Taylor, Land Use Planner
Department of Planning and Development

MJT:bg

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